IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 12939 of 1994

Between:

Smt. A. D. Shanta Kumari W/o Late A.D. Bhaskar
r/o. Vijayawada.

..... PETITIONER

AND

1 Central Defence Accounts (Pensions) Defence Area, Allahabad.
2 The Officer-in-Charge, Airforce Record Office, Subroto Park, New Delhi.
3 The District Treasury Officer, Krishna, Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate writ, order or direction and to declare the non-payment of D.A. to the petitioner along with the family pension w.e.f. 1-7-1992 as arbitrary, illegal and unconstitutional and to direct the Respondents to pay D.A. to the petitioner along with family pension with arrears and pass such other order or orders.

Counsel for the Petitioner:MR.V.SRINIVAS

Counsel for the Respondent Nos.1&2: MR.N.PARAMESWARA REDDY

Counsel for the Respondent No.3: None appeared

The Court made the following :

ORDER:

This writ petition is filed seeking direction to the respondents for payment of D.A to the petitioner along with family pension with effect from 1-7-1992.

2. It is the case of the petitioner that her husband, Mr.A.D.Bhaskar, was working in the Indian Air Force and he took voluntary retirement. Subsequent to the retirement, he got civil employment in the Canara Bank. While working in Canara Bank, the husband of the petitioner died on 10.06.1990 and thereafter, the petitioner was given compassionate appointment, consequent on the death of her husband. Even from 1990 to 1992, she was given family pension along with D.A. but it was stopped from the year 1992. Therefore, she filed the present writ petition for payment of D.A. and family pension with effect from 1.7.1992.

3. The learned Standing Counsel for the Central Government submits that full pension particulars are not being furnished to the 2nd respondent, and therefore, the 2nd respondent is not in a position to decide the matter effectively and requested this Court to direct the petitioner to furnish necessary particulars.

4. The petitioner was paid D.A. and family pension up to 1.7.1992, the reasons for stopping the same are not forthcoming. Under those circumstances, I find that the matter has to be considered by the 2nd respondent.

5. Accordingly, the writ petition is disposed of, directing the petitioner to furnish necessary particulars to the 2nd respondent viz., Officer-in-Charge, Airforce Record Office, New Delhi, relating to her husband and also the particulars of family pension and D.A. drawn by her after the death of her husband, while he was employed in the Canara Bank, within a period of six weeks from the date of receipt of a copy of this order, and the same shall be considered and appropriate orders shall be passed by the 2nd respondent, within a period of six weeks thereafter. No costs.

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28.10.2004

bsv

To

1 The Central Defence Accounts (Pensions) Defence Area, Allahabad.
2 The Officer-in-Charge, Airforce Record Office, Subroto Park, New Delhi.
3 The District Treasury Officer, Krishna, Machilipatnam.

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